



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

FEB 21 2006

Ref: ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sheridan County Commissioners
Ky Dixon, Chair
224 South Main
Sheridan, WY 82801

Re: Notice of Safe Drinking Water Act
Enforcement Action against Bighorn
National Forest-Shell Falls Interpretive Site
PWS ID# WY5680008

Dear Mr. Dixon:

Under the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) administers a program for promoting the safety of public water supplies. In Wyoming, the EPA enforces this program directly because Wyoming does not have primary authority for doing so. When EPA issues an administrative compliance order to a public water system in a state that does not have primary enforcement authority under the SDWA, EPA is required to notify an appropriate locally elected official. Accordingly, the purpose of this letter is to notify you that EPA is issuing an administrative compliance order to a public water system in your county.

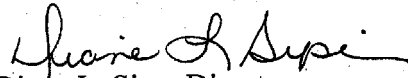
An Administrative Order is being issued under Section 1414 of the SDWA to Bighorn National Forest - Shell Falls Interpretive Site which is located near Shell, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations (NPDWRs). The System is in violation of the NPDWRs at 40 C.F.R. § 141.63(a)(2) for exceeding the maximum contaminant level for total coliform bacteria.



Printed on Recycled Paper

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Judith Binegar-Wilson of my staff at (303) 312-6606.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane L. Sipe".

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

FEB 21 2006

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William T. Bass, Forest Supervisor
USDA Forest Service Bighorn National Forest
2013 Eastside 2nd Street
Sheridan, WY 82801

Re: Administrative Order
Docket No. SDWA-08-2006-0016
Bighorn National Forest
Shell Falls Interpretive Site
PWS ID# WY5680008

Dear Mr. Bass:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f *et seq.*, and its implementing regulations. Among other things, the Administrative Order finds that U.S. Forest Service is a supplier of water as defined by the SDWA and that it has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. § 141.63(a)(2) for exceeding the maximum contaminant level for total coliform bacteria.

Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 20 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information should be sent to Judith Binegar-Wilson at the address on the letterhead and include the mail code 8ENF-W, or call (800) 227-8917, extension 6606 or (303) 312-6606. If you wish to have an informal conference with EPA, you may also call or write Ms. Binegar-Wilson. If you are represented by

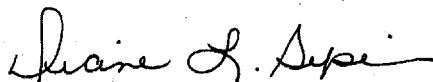


Printed on Recycled Paper

an attorney, please feel free to ask your attorney to call Michelle Marcu, enforcement attorney, at the above 800 number, extension 6921, or at (303) 312- 6921.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane L. Sipe".

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure
Order

cc: WY DEQ (via e-mail)
WY DOH (via e-mail)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2006 FEB 21 PM 2:43

IN THE MATTER OF)

USDA Forest Service)

Bighorn National Forest)

Shell Falls Interpretive Site)

Lovell, Wyoming)

Respondent)

Proceedings under Section 1414(g))

of the Safe Drinking Water Act,)

42 U.S.C. § 300g-3(g))

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2006-0016

FILED
EPA REGION VIII
HEARING CLERK

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 1414(g) of the Safe Drinking Water Act ("the Act"), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. United States Forest Service (Respondent) is a Federal agency and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Shell Falls Interpretive Site (the System), located in Sheridan County, Wyoming, for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a "public

water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "non-community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. part 141, also known as the National Primary Drinking Water Regulations (NPDWRs).
5. According to a September 11, 2001 sanitary survey by an agent for EPA, the system is supplied solely by ground water and serves approximately 2000 persons per day from May 1 through October 1 through 1 service connection.

FINDINGS OF VIOLATION

I

1. 40 C.F.R. § 141.21(a) requires public water systems to monitor the water at least once per month the system serves water to the public to determine compliance with the Maximum Contaminant Level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. 40 C.F.R. § 141.63(a)(2) imposes and defines the MCL for total coliform bacteria, applicable to public water systems collecting fewer than 40 samples per month, as

no more than one sample collected during the month may be positive for total coliform bacteria.

3. Monitoring results submitted by Respondent for the public water system during August 2002, August 2004, July 2005, and August 2005 exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a)(2).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Upon the effective date of this Order, Respondent shall comply with the bacteriological MCLs as stated in 40 C.F.R. § 141.63.
2. Within 30 days of the date of this Order, Respondent shall submit to EPA detailed plans for bringing Respondent's public water system into compliance with the MCL for coliform bacteria at 40 C.F.R. § 141.63. The plans shall include proposed system modifications, estimated costs of modifications, and a schedule for construction of the project and compliance with the MCL for coliform bacteria. The proposed schedule shall include specific milestone dates, a final compliance date (that shall be prior to opening for the 2006 season on May 1, 2006) and shall be submitted to EPA for approval. The plans must be approved by EPA and the State before construction can commence.
3. The schedule for construction and completion of modifications will be incorporated into this Order upon written approval by EPA.

4. Reporting requirements specified in this Order shall be provided by certified mail to:

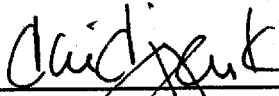
U.S. EPA, Region 8 (8P-W-MS)
999 18th Street, Suite 200
Denver, CO 80202-2466

GENERAL PROVISIONS

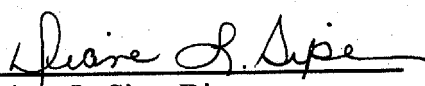
1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500, under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 21st day of February, 2006.



Michael T. Rishel, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice